TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/902,986
Filing Date	07/11/2001
First Named Inventor	Sharif
Art Unit	2173
Examiner Name	Hailu, Tadesse
Attorney Docket Number	UNIQA-PPA2

Total Number of Pages in This Submission	SEVEN

ENCLOSURES   (Check all that apply)

- [✓] Fee Transmittal Form
  - [✓] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53

- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD

Remarks

- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [✓] Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- [ ] Proprietary Information
- [ ] Status Letter
- [✓] Other Enclosure(s) (please Identify below):
  Brief on Appeal
  Check
  Return Postcard

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	ROBERT BUCKLEY, PATENT ATTORNEY
Signature	*Robert Buckley*
Printed name	ROBERT BUCKLEY
Date	06/18/2005
Reg. No.	33657

CERTIFICATE OF TRANSMISSION/MAILING

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Signature	*Robert Buckley*		
Typed or printed name	ROBERT BUCKLEY	Date	06/18/2005

FEE TRANSMITTAL
For FY 2005

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

[✓] Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	($)	250.00

Complete if Known

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES Fee ($)	Small Entity Fee ($)	SEARCH FEES Fee ($)	Small Entity Fee ($)	EXAMINATION FEES Fee ($)	Small Entity Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 20 or HP =	_____ x	_____ =	_____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 3 or HP =	_____ x	_____ =	_____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims

Fee ($)	Fee Paid ($)
_____	_____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee ($)	Fee Paid ($)
_____ - 100 =	_____ / 50 =	_____ (round up to a whole number) x	_____ =	_____

4. OTHER FEE(S)

Fees Paid ($)

Non-English Specification, $130 fee (no small entity discount)   _____

Other (e.g., late filing surcharge): FILING BRIEF ON APPEAL   250.00

SUBMITTED BY			
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OIPE JUN 2 0 2005

Attorney's Docket No. UNIQA-PPA2   **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5   **In re application of:**   **Sharif et al.**
    Serial No.:   **09/902,986**
    Filed: **07/11/2001**
    For: **"Web Browser Implemented in An Internet Appliance"**
    Group No.:   **2173**
10   **Examiner:**   **Hailu, Tadesse**

**Via First Class Mail**

15   **Mail Stop: Appeal Brief - Patents**
Commissioner for Patents
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20

BRIEF ON APPEAL

Real Party in Interest: Imran Sharif, et al.

25   **Related Appeals and Interferences:** None.

Status of Claims: Claim 1 is the subject of this appeal.

Status of Amendments: Claim 1 has not been amended. Amendment of the drawing and
30   the specification was entered to correct errors discovered by the examiner. No amendment
has been refused entry.

Summary of Invention: A method for implementing a user interface in a browser
application running on an Internet appliance.

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Issues: Whether claim 1 is patentable over U.S. Patent Application Publication No. US 2002/0060750 A1, to Istivan et al.

Grouping of Claims: Claim 1 is the sole claim of the application and appeal.

5

Argument:

Introduction

For purposes of this appeal, the applicants' offer to stipulate that the Istivan published patent application is entitled to a priority date preceding the applicants' priority
10   date of 07/11/2000.

The issue before the Board is whether or not Istivan anticipates every element of the applicants' claim 1, or alternatively, whether claim 1 is patentable over Istivan in combination with a general level of skill in the art at the time the applicants' invention was made.

15

Istivan does not disclose every element of claim 1

The preamble of the applicants' claim 1 states (lines 1 – 2) that the method is " . . . implemented in an Internet appliance . . . . " Though the claim makes no further reference to the appliance, the specification provides sufficient detail to define the phrase "Internet
20   appliance" as used in claim 1 (applicants' Figure 21, specification at page 2, lines 2 – 8, and starting at page 5, line 6 through page 6, line 7). The applicants rely upon the rule that allows them to define their own terms.

The Istivan method is practiced in an Internet-enabled television system (Istivan specification, paragraphs 0006 and 0007), or alternatively in a set top box (the
25   incorporated provisional patent application, serial number 60/193,046 at the bottom of page 7), rather than an Internet appliance such as defined by the applicants' disclosure.

Though limitations in a claim preamble are not usually construed to limit the claim, such preamble limitations are sometimes used for such purpose when, as in the applicants' claim 1, they define a system within which a claimed method is to be practiced. The
30   applicants request that the preamble limitation be interpreted to limit their claim.

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An argument can be made that the applicants' method can be practiced in an Internet-enabled television system or in a set top box, but the applicants have limited their method to being practiced in an Internet appliance, as defined in the applicants' disclosure.

The importance of this distinction is that though the applicants can practice the
5   remaining steps of their user interface implementation method in an Istivan device, Istivan cannot practice his method in the applicants Internet appliance—not when the full extent of the Istivan disclosure is considered. Thus, claim 1 is narrower than anything disclosed by Istivan and not anticipated.

Neither the Istivan publication nor the Istivan provisional patent application disclose
10   any apparatus for practice of their disclosed methods as simple as the applicants' Internet appliance, because no platform as simple as the applicants' Internet appliance would support the functionality disclosed by Istivan.

Perhaps the most straightforward example of the difference between a simple Istivan user interface and a claim 1 user interface relates to the television portion of the
15   Istivan system. Istivan discloses a system in which the television set itself, or alternatively a set top box, is used to control both TV viewing and Internet access. Claim 1 defines a user interface that permits Internet access to be displayed on a connected television set, but the TV access is not controlled or even selected using the claim 1 user interface. That is a difference that exists with a simple Istivan user interface (see the list of "must have"
20   features listed at pages 1 – 4 of the Istivan provisional patent application, the entire contents of which are incorporated by reference into the published Istivan patent application (see paragraph 0001). A reasonable conclusion is that the simplest Istivan user interface cannot be practiced on the applicants' Internet appliance platform. Thus, there is some limitation in claim 1 that is not compatible with the Istivan user interface: some
25   limitation that is not disclosed by the Istivan reference.

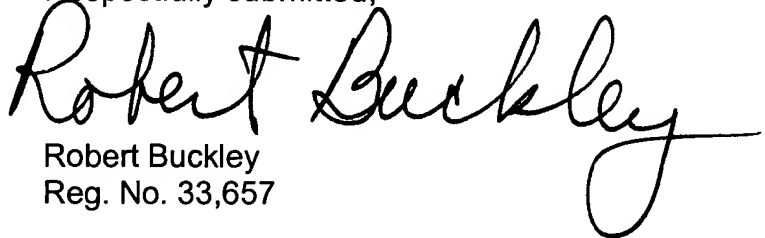**The simplicity of the Internet appliance would not have been obvious**

An examination of the Istivan published patent application and also the incorporated provisional patent application reveals features that could not be practiced within the
30   applicants' Internet appliance (nor were they ever intended to be), and thus teach away

from such a simple platform. The manufacturers of set top boxes and Internet-enabled television systems, in general, incorporate features that are not compatible with the simplicity of the applicants' Internet appliance, for example, the ability to receive, select, control and display standard television programming. The examiner has produced no

5 reference that discloses or suggests the simplicity of the applicants' Internet appliance—an integral limitation of the method of claim 1.

Conclusion

The applicants' claim 1 is not anticipated by, and is patentable over the cited

10 reference in combination with the level of skill in the art at the time the invention was made. The examiner has not met his burden, and the appeal should be allowed.

Respectfully submitted,

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Robert Buckley
Reg. No. 33,657

Appendix – Claim on Appeal

1   1. A user interface method in a browser application implemented in an Internet

2   appliance for accessing information on the Internet, the Internet appliance having a

3   display device and using a reduced-keyset user interface device for user input, the

4   reduced-keyset user interface device having a plurality of keys consisting of direction

5   keys, numeric keys, and a number of function keys, the method comprising:

6   displaying a user interface screen on the display device, the screen being

7   divided into a primary screen area for displaying information and at least a first and a

8   second control area, the first control area containing one or more mode icons for

9   selecting a mode of the browser application, the second control area containing one or

10   more command icons depending on the selected mode;

11   in a navigate mode, displaying a plurality of interface elements in the primary

12   screen area, each interface element representing a web page, and accessing one of

13   the web pages by invoking a command icon or an interface element in response to user

14   input through the use of the reduced-keyset user interface device;

15   in a browse mode, displaying page contents of a web page in the primary screen

16   area, the web page including one or more interface elements, and further displaying

17   different page contents by invoking a command icon or an interface element in

18   response to user input through the use of the reduced-keyset user interface device; and

19   in the navigate and/or browse mode, dynamically displaying indications that

20   associate each of one or more command icons and/or interface elements with a key of

21   the reduced-keyset user interface device, and invoking a command icon and/or

22   interface element in response to user input through the use of the associated key.